

REMARKS/ARGUMENTS

The following remarks are submitted in response to the Non-Final Office Action mailed May 10, 2007, setting a three-month shortened statutory period for response ending August 10, 2007. Applicant respectfully traverses all objections, rejections and assertions made by the Examiner. Claims 1-3, 5-23, and 25-34 remain pending in the Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

U.S.C. § 103(a) Rejections

The Examiner rejects claims 1-3, 5-23, and 25-34 under 35 U.S.C. § 103(a) as being unpatentable over *Shireman et al.* (U.S. Patent Publication 2004/0167442) in view of *Omori* (Japan Patent No. 58-90, 389). Applicants respectfully traverse this rejection. Prior art under 35 U.S.C. § 103(c) via 35 U.S.C. § 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person” (See 35 U.S.C. § 103(c)(1) and M.P.E.P. § 2146). *Shireman et al.* does not qualify as prior art against the claimed invention because at the time of the invention both *Shireman et al.* (Reel/Frame: 014346/0769) and the claimed invention (Reel/Frame: 014490/0567) were subject to an obligation of assignment to SCIMED LIFE SYSTEMS, INC. Thus, Applicants respectfully request the rejection under 35 U.S.C. § 103(a) be withdrawn.

Additionally, In paragraph 7 of the Office Action, the Examiner rejects claims 1-3, 5-23, and 25-34 under 35 U.S.C. § 103(a) as being unpatentable over *Safarevich* (U.S. Patent 6,061,595) in view of *Omori* (Japan Patent No. 58-90, 389). To establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. (See M.P.E.P. §2143.03).

Safarevich appears to disclose a welding method wherein a wound element is attached to a mating component by targeting a laser beam on the end portion of the wound element, thus creating a weld nugget. (see, e.g. Col. 2, lines 51-55; Col. 5, lines 14-25; and Col. 6, lines 5-15). *Safarevich* does not appear to teach or suggest “a mechanical connection between the structural member and the elongated shaft wherein the mechanical connection is a non-

welded construction that is achieved without intermixing of material from the elongated shaft and material from the structural member” as is recited in claim 1.

Applicants also respectfully submit that *Omori* does not appear to cure the deficiencies of *Safarevich*. Applicant’s representative has obtained an English language translation of the *Omori* reference from a Japanese associate, a copy of which is provided in an invention disclosure filed with this Amendment. With reference to this English translation, it is apparent that *Omori* is directed to a “laser welding method for different metals” and indicates that “[a]n object of the present invention is to offer a laser welding method for various types of metals, whereby deformation of the parts to be welded can be prevented while maintaining weld strength.” (See, e.g. page 443, SCOPE OF PATENT CLAIMS section, and page 444, third full paragraph in the first column (emphasis added)). *Omori* also teaches that “[t]he nugget 3b of the heater support 3 thus encloses the coiled connector 2a without deforming it, and diffusion joining occurs, allowing joint strength to be maintained.” (see, Page 444, the paragraph spanning the end of the first column, and the beginning of the second column). Thus, applicants respectfully submit that *Omori* is directed at welding, and does not teach or suggest “a mechanical connection between the structural member and the elongated shaft wherein the mechanical connection is a non-welded construction that is achieved without intermixing of material from the elongated shaft and material from the structural member” as is recited in claim 1. Accordingly, for at least these reasons, applicants respectfully assert that independent claim 1, and dependent claims 2-8, 10-12, and 14-15 are allowable over *Safarevich* and *Omori*, taken either alone or in combination.

Both independent claims 16 and 19 in part, recite:

allowing the heated portion of the structural member to cool on the surface of the elongated shaft such that a mechanical bond is formed between the structural member and the elongated shaft, wherein the mechanical bond is a non-welded connection that is achieved without intermixing of material from the elongated shaft and material from the structural member.

(emphasis added). Neither *Safarevich* nor *Omori* appear to teach or suggest these limitations. As discussed above, *Safarevich* appears to disclose a welding method, and *Omori* does not appear to cure the deficiencies of *Safarevich* because it also appears to relate to welding as well. As such, applicants respectfully assert that independent claims 16 and 19, and

dependent claims 17-18 and 21 are allowable over *Safarevich* and *Omori*, taken either alone or in combination.

Independent claim 22 recites, in part:

allowing the heated portion of the tubular member to cool such that the part disposed on the outer surface of the core wire forms a mechanical bond between the tubular member and the core wire, wherein the core wire comprises a material, and wherein the mechanical bond between the core wire and the tubular member is a non-welded connection that is achieved without intermixing of material from the core wire with material from the tubular member.

(emphasis added). Again, neither *Safarevich* nor *Omori* appear to teach or suggest these limitations. As discussed above, *Safarevich* appears to disclose a welding method, and *Omori* does not appear to cure the deficiencies of *Safarevich* because it also appears to relate to welding as well. As such, for at least these reasons, applicants respectfully assert that independent claim 22, and dependent claims 23-31 are allowable over *Safarevich* and *Omori*, taken either alone or in combination.

Finally, claim 34 recites, in part:

providing means for creating a non-welded mechanical bond between the tubular member and the core wire without intermixing of material from the core wire with material from the tubular member, and without the use of an additional bonding material.

(emphasis added). Again, neither *Safarevich* nor *Omori* appear to teach or suggest these limitations. As discussed above, *Safarevich* appears to disclose a welding method, and *Omori* does not appear to cure the deficiencies of *Safarevich* because it also appears to relate to welding as well. As such, for at least these reasons, applicants respectfully assert that independent claim 34 is allowable over *Safarevich* and *Omori*, taken either alone or in combination.

Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, and issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
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By their attorney,

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